

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

(1) JOSHUA FIELDS	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-21-986-G
	)	
(1) GREAT LAKES INSURANCE SE,	)	<i>Removed from the District Court of</i>
(2) MJ KELLY COMPANY, and	)	<i>Kay County, State of Oklahoma</i>
(3) CAPSTONE ISG,	)	<i>Case no. CJ—2021—00037</i>
	)	
Defendants.	)	
	)	

**DEFENDANT’S MOTION FOR LEAVE TO FILE SUPPLEMENT TO  
DEFENDANT’S PROPOSED JURY INSTRUCTIONS**

Defendant Great Lakes Insurance SE (“Defendant,” or “Great Lakes”) respectfully requests leave of Court to file a supplement to Defendant’s Proposed Jury Instructions (Dkt. # 55), and would show the Court as follows:

1. Pursuant to the Court’s Scheduling Order (Dkt. # 26), Defendant filed its Proposed Jury Instructions on November 7, 2022. *See* Dkt. # 55.

2. On November 16, 2022, Defendant’s counsel discovered that one (1) jury instruction had been inadvertently omitted from Defendant’s filing, which was an instruction regarding an aspect of Plaintiff’s claim for bad faith and Great Lakes’s defenses thereto.

3. Defendant’s counsel has notified Plaintiff’s counsel of the unintentional omission of this proposed instruction and provided a copy of the proposed supplement for Plaintiff’s review. A copy of the proposed supplement, Defendant’s Proposed Jury

Instruction No. 48, is also submitted with this Motion, as Exhibit 1 hereto.

4. Plaintiff's counsel has advised that Plaintiff does not object to Defendant seeking leave to file the supplemental instruction. Plaintiff's counsel further advised of Plaintiff's intent to file an objection to the supplemental proposed instruction, should Defendant be granted leave to file the same.

5. This Motion is brought in good faith and is not brought for the purpose of delay or other improper purpose. Should the Court grant leave for Defendant to file its supplemental Jury Instruction, Defendant will file the supplement as expeditiously as possible so as not to impede the Court's review of the parties' recent trial filings.

6. As such, Defendant respectfully requests the Court grant Defendant leave to file Defendant's Proposed Jury Instruction No. 48, Ex. 1 hereto, as a supplement to Defendant's Proposed Jury Instructions (Dkt. # 55).

Respectfully submitted,

/s/ Sara E. Potts, OBA No. 32104

**DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.**

Sara E. Potts, OBA No. 32104

Emily Allan, OBA No. 33456

210 Park Avenue, Suite 1200

Oklahoma City, OK 73102

Telephone 405.319.3507

Facsimile 405.319.3537

[spotts@dsda.com](mailto:spotts@dsda.com)

[eallan@dsda.com](mailto:eallan@dsda.com)

-and-

Michael Linscott, OBA No. 17266

Two West Second Street, Suite 700

Tulsa, OK 74103  
Telephone 918.582.1211  
Facsimile 918.591.5361  
[mlinscott@dsda.com](mailto:mlinscott@dsda.com)

### **CERTIFICATE OF SERVICE**

This certifies that on November 17, 2022, a true and correct copy of the foregoing document was served via the Court's electronic notification system to the following counsel of record:

Scott R. Jackson  
Martin Jean & Jackson  
P.O. Box 2403  
Ponca City, Oklahoma 74602  
[sjackson@mjjlawfirm.com](mailto:sjackson@mjjlawfirm.com)  
*Attorney for Plaintiff*

/s/ Sara E. Potts